

REMARKS

Claims 1, 2 and 16-26 are pending in this application. In light of the amendments and remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection.

By this amendment, Applicant has amended claim 1 to more appropriately recite the present invention. It is respectfully submitted that this amendment is being made without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner rejected claims 1, 2, and 16-21 under 35 U.S.C. §103(a) as being unpatentable over *Anderson et al.* (USP 6,498,623) in view of *Date et al.* (USP 4,918,533). Applicant respectfully traverses this rejection.

Prior Art Rejections

In support of the Examiner's rejection of claim 1, the Examiner asserts that *Anderson et al.* discloses an imaging cycle (224) which captures the sequence of images and outputs image signals for the sequence of images at a rate defined by an imaging cycle (frame rate) of the imaging device (224), the imaging cycle (frame rate) defining a maximum exposure period (exposure time) for the imaging device for the captured sequence of images (col. 7, lines 57-63; col. 8, lines 39-41). The Examiner admits that *Anderson et al.* fails to teach or suggest automatically changing the imaging cycle of the imaging device based on the brightness of the object. The Examiner relies on the teachings of *Date et al.* to cure the deficiencies of the teachings of *Anderson et al.*, citing to col. 7, lines 19-22. The Examiner concludes that one skilled in the art would have been motivated to combine the teachings of *Date et al.* with the teachings of *Anderson et al.* in order to produce an image signal having a proper signal level. Applicant respectfully disagrees that there is sufficient motivation to combine the teachings of the cited references.

The disclosure of *Date et al.* provides for setting the exposure time according to the brightness of the object when photographing still images.

However, in cases when moving images are shot and displayed on a liquid crystal display prior to photographing still images, it is common to control the exposure by making the shutter speed constant, i.e., setting it to 1/60 second of frame-rate, and by changing the aperture. This is because the continuity as the moving image is not good when the exposure is controlled with shutter speed. Even in cases where the exposure is controlled with shutter speed, the shutter speed needs to be in frame-rate time period. As such, Applicant respectfully submits that there is no motivation to combine the references as asserted by the Examiner as it would not have been obvious to one skilled in the art to modify the video device of *Anderson et al.* by changing the exposure time based on brightness, as, *arguendo*, taught by *Date et al.*

Further, according to the present invention, claim 1 recites, *inter alia*, an electronic camera including a changing device which automatically changes the imaging cycle of the imaging device by doubling according to the brightness of the object, thereby changing the maximum exposure period for said imaging device. As a result, when shooting a moving image, if the scene does not change, the brightness hardly changes, and, thus, there is no need to change the imaging cycle often. However, if the scene switches to a darker scene, the imaging cycle may be doubled, and therefore may be sufficient to capture the moving image.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinnet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 09/440,624
Amendment dated September 5, 2006
Reply to Office Action of June 2, 2006

Docket No.: 0879-0244P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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